



# **FREDERICK COUNTY PLANNING COMMISSION**

## **January 9<sup>th</sup>, 2013**

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**TITLE:****Westview Overlook Lot 25B****FILE NUMBER:****SP 86-17, AP #12814 (APFO #12815; FRO #12805)****REQUEST:****Site Plan and APFO Approval**

The Applicant is requesting Planned Commercial/Industrial Development Site Plan and Adequate Public Facilities approval for a 40,896 square foot two-story office building as well as a 41,310 square foot three-story office building to be built in two phases with associated parking, on a 5.32-acre site.

**PROJECT INFORMATION:**

**ADDRESS/LOCATION:** 5300 Corporate Drive, located along Corporate Drive, east of New Design Road

**TAX MAP/PARCEL:** Tax Map 86, Parcel 215, Lot 25B

**COMP. PLAN:** Office/Research/Industrial

**ZONING:** Office/Research/Industrial

**PLANNING REGION:** Frederick

**WATER/SEWER:** W-1/S-1

**APPLICANT/REPRESENTATIVES:**

**APPLICANT:** Corporate Center, LLC

**OWNER:** Corporate Center, LLC

**ENGINEER:** Harris, Smariga & Associates, Inc.

**ARCHITECT:** N/A

**ATTORNEY:** N/A

**STAFF:** Tolson DeSa, Principal Planner II

**RECOMMENDATION:** Conditional Approval

**ATTACHMENTS**

Exhibit #1-Westview Overlook Lot 25B

Exhibit #2- Westview Lot 25B Letter of Understanding (LOU)

Exhibit #3-Parking Space Modification Justification Statement

Exhibit #4- Lighting Modification Justification Statement

# STAFF REPORT

## ISSUE

### Development Request

The Applicant is requesting Planned Commercial/Industrial Development Site Plan and Adequate Public Facilities approval for a 40,896 square foot two-story office building as well as a 41,310 square foot three-story office building to be built in two phases with associated parking, on a 5.32-acre site (See Graphic #1). The proposed use is being reviewed as an "Office Professional" land use under the heading of *Commercial Business and Personal Services* per §1-19-5.310 Use Table in the Zoning Ordinance and is a principal permitted use in the *Office/Research/Industrial* Zoning District (See Graphic #2) subject to site development plan approval. This proposed development is also subject to the regulations for a Planned Commercial/Industrial Development in accordance with Section 1-19-10.300 of the Zoning Ordinance.

Graphic #1: Site Plan Rendering



## BACKGROUND

### Development History

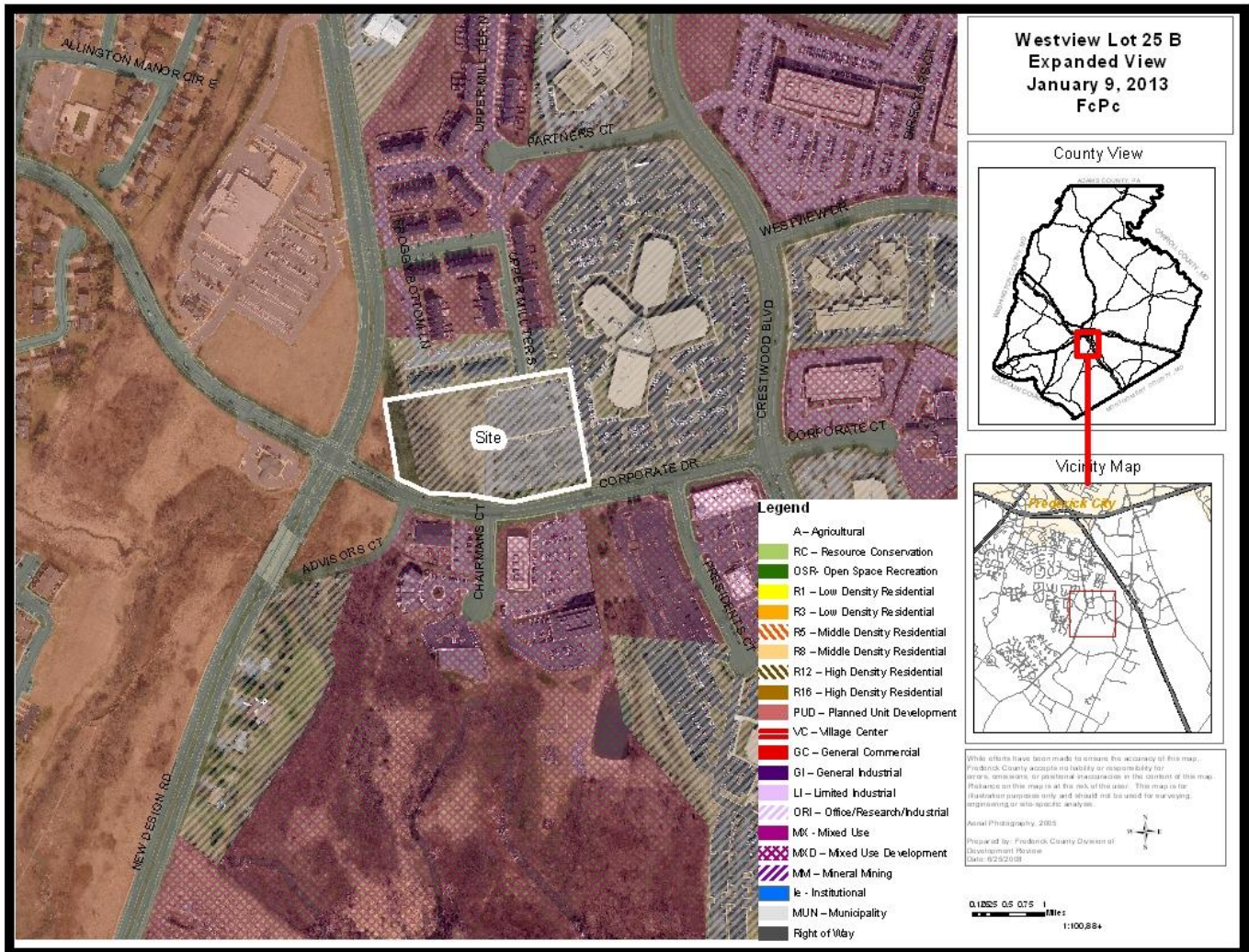
Lot 25B was originally developed as an auxiliary parking lot for the Standard Federal Building which currently sits on Lot 23. A site plan for a 510 space parking lot was approved by the FCPC on 12/17/1991; the overall plan was split into two phases. Phase One consisted of 334 parking spaces and has been constructed. Phase One also included the construction of an access drive connecting Lot 23 with Lot 25B. Phase Two consisted of 176 parking spaces and was approved in 1991 although never constructed.



In March of 1991, 1.74 acres was subdivided off of Lot 25B and added to the adjacent Lot 25A in order to construct the Westview Park residential development located to the north of the site.

Presently, the Applicant is proposing to add 0.184 acres of adjacent land onto Lot 25B. The adjacent property is the old New Design Road unused dedication area, and will be subject to the County's 'open/close/alter' provisions. The addition of the 0.184 acres will increase Lot 25B from 5.14 acres to 5.32 acres. The 'open close alter' and associated addition plat is not part of this application, nor does it materially affect the overall design and layout of the subject application.

Graphic #2: Site Zoning Map



## Existing Site Characteristics

The site is currently zoned Office/Research/Industrial (ORI), and is developed with an auxiliary parking lot on the eastern portion of the site; with the western portion of the site is vacant. The property to the north of the site is the developed Westview Park residential development, the property to the east is currently developed with the ING Clarion Building (Old Standard Federal Building). There are similar ORI properties to the south which gain access off of Chairman's Court.



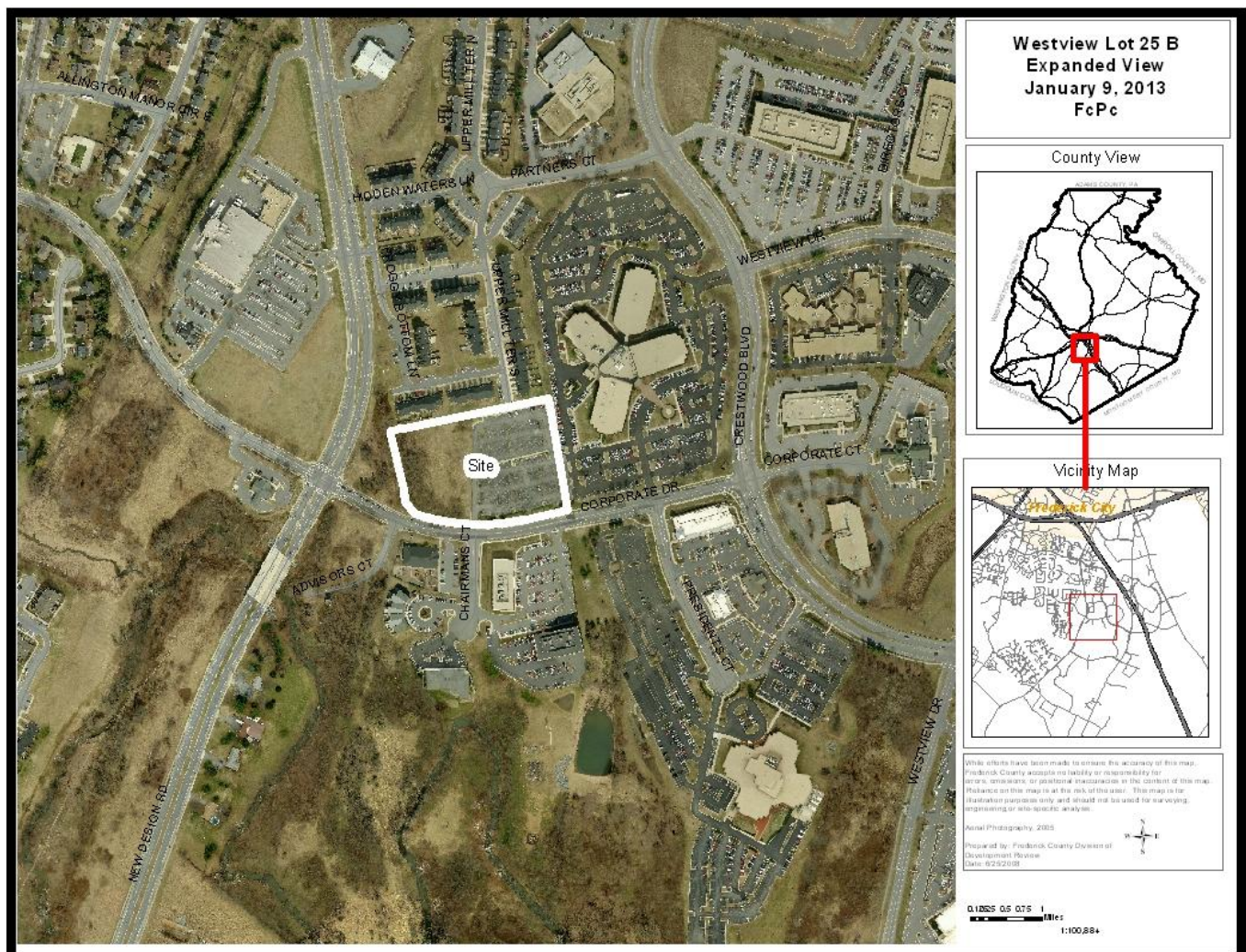
# ANALYSIS

## Summary of Development Standards Findings and Conclusions

The key issues related to this site are the following: integrated design of two buildings on one lot, pedestrian connections to adjacent parcels and Corporate Drive, the applicants desire to maintain the majority of the existing parking with little disturbance or reconstruction and the regulations related to the Planned Commercial/Industrial Development process.

Staff and the Applicant worked on the overall design of the two buildings in order to achieve an orderly entry into the site, and efficient circulation throughout the site, as well as between the proposed buildings. The overall layout as proposed in Phase Two places the building facade adjacent to Corporate Drive in order to establish a stronger and more aesthetically varied streetscape. This building arrangement also preserves a way for this site to access New Design Road if the adjacent vacant site on the corner of New Design and Corporate Drive is developed (see Graphic #3 below).

Graphic #3: Site Aerial



## Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria and 1-19-10.300 Planned Commercial/Industrial Development of the Frederick County Zoning Ordinance.

**Site Development §1-19-3.300.4 (A):** Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

## **Findings/Conclusions**

- 1. Dimensional Requirements/Bulk Standards §1-19-6.100:** Section 1-19-6.100 of the Zoning Ordinance stipulates the setback requirements and the minimum lot area for the proposed use. The setback requirements for an office use in the ORI zoning district are equal to the height of the structure or 50-foot front/40-foot rear/25-foot side, whichever is greater. The maximum building height is 60 feet. The proposed height for the two-story Phase 1 building is 37 feet, the proposed height for the three-story Phase 2 building is 52 feet. The proposed plan meets the required Bulk/Dimensional requirements.
- 2. Signage §1-19-6.300:** Proposed signage will comply with Zoning Ordinance Section 1-19-6.320. Within the ORI zoning district industrial owner identification maximum signage is calculated at 10 F, where F is the length of the side of the building facing a public street (measured in lineal feet).

As shown on the Applicant's site plan, the maximum signage allowed for Phase 1 is 149.3 square feet; the maximum signage permitted for Phase 2 is 98.0 square feet. A combination of building mounted signage and freestanding signs are proposed. A freestanding sign location has been shown at the western most Corporate Drive entrance, as proposed, the freestanding signs will not exceed 25 feet in height.

- 3. Landscaping §1-19-6.400:** A landscape plan has been submitted as part of the site plan. The proposed plan includes street trees and existing vegetation together with new plantings to be located along common property lines. The landscaping is designed with a variety of plant species which are arranged to provide screening as well as aesthetics. The planting schedule follows the standard sizes that have been consistently approved by the Planning Commission.

The Applicant worked with Staff to provide a visually interesting buffer along Corporate Drive as well as throughout the site, and along the northern border adjacent to the residential development. Based on the proposed landscape plan the Applicant adheres to the requirements set forth in Zoning Ordinance Section 1-19-6.400.

- 4. Lighting §1-19-6.500:** The site is currently lighted by approximately ten 30 foot tall poles; some of these existing light poles will be retained while additional lighting at various heights is proposed. Of the ten existing lights on lot 25B 5 are proposed to be retained as is, and 5 will be relocated to accommodate the proposed site plan. The Applicant has submitted a lighting height modification (See Exhibit #4) in accordance with Zoning Ordinance Section 1-19-6.500. G, to permit the continued use of lighting that exceeds 18' in height. The modification also requests that lighting levels continue to exceed 0.5 foot candles at the eastern common property line with the adjacent office use on Lot 23 and at the common entrance for both Lots 23 and 25 to Corporate Drive.

**Zoning Ordinance Section 1-19-6.500. (G)** states that: *The Planning Commission may modify the lighting standards within this section based on characteristics of the proposed use, photometric studies, nationally recognized standards, or other documentation as approved by the Planning Commission.*

The site is currently occupied by an existing 308 space asphalt parking lot with light poles approximately 30 feet in height. This parking lot and adjacent to the former Standard Federal office building was constructed in the mid 1980's. It is the Applicant's intention to retain the existing lights and match the 30 foot height with 8 new lights.

In addition, on the eastern common property line where the existing parking straddles the lot line existing lighting levels are at or above the 0.5 foot candle minimum. The Applicant states that a majority of this spillage originates from the adjacent Lot 23 as a result of the existing fixtures. This is the only area of light trespass, along all other property lines and Corporate Drive the light levels are within code requirements.

Staff supports the modification requests; the 30' lighting height is consistent with the existing and built lighting on Lots 23 and 25B. A reduction to 18 foot poles would significantly increase the number of poles required, as well as create a visual disparity along Corporate Drive and within the two lots. Staff also supports the slight light trespass on the common property line due to the office uses on both lots, as well as any light trespass will improve pedestrian and vehicular circulation on both lots.

***Transportation and Parking §1-19-3.300.4 (B):*** *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

### **Findings/Conclusions**

- 1. Access/Circulation:** The Applicant is proposing a right-in/right-out entrance off of Corporate Drive which will serve Lot 25B as well as Lot 23 which is the adjacent parcel to the east, currently developed with the ING Clarion Building. Lot 25B is proposing a joint connection with the existing Clarion parking lot. Lot 25B will also utilize the existing full movement access point which is located across from Chairman's Court.
- 2. Connectivity §1-19-6.220 (F):** Vehicular connectivity is achieved via the combined Lot 25B/Lot 23 access to Corporate Drive. Lot 25B is also proposing pedestrian connections to the adjacent Westview Park residential community to the north.
- 3. Public Transit:** The site is served by the #10 Mall to Mall Connector which drops off and picks up at the Kingsbrook Shopping Center located across New Design Road.
- 4. Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** The Applicant is proposing a mix of general and medical office space. The Zoning Ordinance requires 1 parking space for every 300 square feet of general office, and 1 parking space for every 200 square feet of medical office floor area of examination, treating room offices and waiting rooms.

The Applicant is proposing 30,672 square feet of office space for Phase One, with 10,224 square feet of Phase One devoted to medical office space. Therefore, 154 spaces are required for the Phase One building for both general and medical office. The Applicant is proposing 217 parking spaces for Phase One, including 6 handicapped accessible spaces.

The Applicant is proposing 30,982 square feet of office space for Phase Two, with 10,328 square feet of Phase Two devoted to medical office space. Therefore, 155 spaces are required for the Phase Two building for both general and medical office. The Applicant is proposing 98 parking spaces for Phase Two, including 2 handicapped accessible spaces.

The combined parking requirement for both Phases is 309 spaces which includes 61,654 square feet of general office and 20,552 square feet of medical office; the Applicant is proposing 315 spaces, including 8 handicapped accessible spaces at final building out.

**Zoning Ordinance Section 1-19-6.220.A.1** states: *For the purpose of this chapter, the parking space requirements in the following table will apply. Parking shall be limited to the number of spaces required based on an evaluation of each proposed use, hours of operation, and joint or shared parking agreements. An increase or reduction in the number of required parking spaces may be granted by the Planning Commission where the applicant or Planning Commission authorized representative can demonstrate need based on characteristics of the proposed use, hourly parking demand studies published by the Institute of Transportation Engineers (ITE), or other documentation as approved by the Planning Commission.*

The Applicant has requested a modification in accordance with Section 1-19-6.200.A.1 in order to construct 6 additional parking spaces over the required number of 309 based on characteristics of the proposed use (See Exhibit #3). Staff supports this modification for the slight parking overage.

The Applicant is required to provide 2 small loading spaces in accordance with Zoning Ordinance Section 1-19-6.210. The Applicant has complied with this requirement by placing two small loading spaces adjacent to each building.

5. **Bicycle Parking §1-19-6.220 (H):** The Applicant is required to provide 2 racks in accordance with the proposed parking spaces. The Applicant is proposing 2 bicycle racks throughout the site in accordance with the Zoning Ordinance minimum requirements.
6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** Currently there are sidewalks along the frontage of Lot 25B along Corporate Drive, which connect Crestwood Boulevard with New Design Road. The Applicant is also proposing a pedestrian connection to the adjacent Westview Park residential community to the north. In addition, there are internal sidewalks and crosswalks which connect the parking areas within Lot 25B to the two proposed buildings as well as Corporate Drive.

**Conditions:** The Applicant has requested Planning Commission approval of lighting and parking modifications in accordance with Section 1-19-6.200.A.1 and 1-19-6.500 G in order to construct 6 additional parking spaces over the required number of 309.

The Applicant is also requesting a lighting modification to permit the continued use of lighting that exceeds 18' in height. As well as a modification to permit lighting levels to exceed 0.5 foot candles at the eastern common property line with the adjacent office use on Lot 23 and at the common entrance for both Lots 23 and 25 to Corporate Drive. (See Exhibit #3 & 4).

**Public Utilities §1-19-3.300.4 (C):** *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

1. **Public Water and Sewer:** The site is to be served by public water and sewer and is classified W-1, S-1. The entire site is in pressure Zone #1 with water coming from New Design WTP and Sewer flowing into the Ballenger McKinney WWTP. Although the public sewer and water facilities are currently adequate to serve the Project the Applicant is aware that capacity is not guaranteed until purchased.

**Natural features §1-19-3.300.4 (D):** *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

#### **Findings/Conclusions**

1. **Topography:** The site is relatively flat in the north and eastern portions of the site. Lot 25B rests slightly higher than Corporate Drive, and is approximately 15 feet higher than Corporate Drive along the western and southern borders with Corporate Drive.
2. **Vegetation:** The Applicant is proposing a landscape plan in accordance with Zoning Ordinance Section 1-19-6.400.
3. **Natural Hazards:** Based on available mapping, no wetlands, or FEMA floodplains are located on the site.

**Common Areas §1-19-3.300.4 (E):** *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

#### **Findings/Conclusions**

1. **Proposed Common Area:** There are no common areas required or proposed as part of this development.

#### **Planned Commercial/Industrial Development § 1-19-10.300:**

#### **Findings/Conclusions**

1. **§1-19-10.300. (A) Purpose and intent.** The proposed development meets the requirements of this section. The site has been designed to concentrate the proposed complementary uses in order to achieve maximum efficiency, while providing a site that is both accessible for pedestrians as well as vehicles. The proposed Lot 25B ~~is~~ will be connected to the existing overflow parking area for Lot 23 via a combined entrance off of Corporate Drive. The layout and location of the two proposed buildings helps to reduce sprawl while complementing the existing surrounding developed parcels.
2. **§1-19-10.300. (C) Design standards.** The proposed development meets the design standards of this section. The layout has been designed to provide safe and efficient arrangement of land use facilitating pedestrian and vehicular access into the site, and allowing the user convenient access to both buildings. The parking lot is designed to become a shared lot at build out, the majority of the parking for Phase One currently exists on site and will be reconfigured.

The site was designed with a pedestrian access to the north into the existing Westview Park subdivision. The overall building layout of Phase Two places the building facade adjacent to Corporate Drive in order to establish a stronger and more aesthetically varied streetscape. This building arrangement also preserves a way for this site to access New Design Road if the vacant adjacent site on the corner of New Design and Corporate Drive is developed.



The proposed uses comply with applicable supplementary Industrial district regulations as well as the Industrial District Performance Standards provided in § 1-19-7.600 and § 1-19-7.610, respectively.

### Other Applicable Regulations

**Stormwater Management – Chapter §1-15.2:** Stormwater management must comply with the 2007 Design Guidelines. A Stormwater Concept Plan (AP# 12812 has been approved by staff.

### **APFO – Chapter §1-20:**

1. **Schools.** This development proposal is exempt due to the commercial uses proposed.
2. **Water/Sewer.** While the public sewer and water facilities are currently adequate to serve the Project, the Applicant is aware that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded and building permits will be issued. Plat recordation and building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.
3. **Roads:** In accordance with the October 9, 2012 traffic impact analysis, revised December 4, 2012 by The Traffic Group, the total uses on the site are capped at a total amount of 160 A.M. and 171 P.M. weekday peak hour vehicle trips

All study area intersections are adequate, level of service (LOS) E or better, during build-out peak hours except:

- MD 351/Crestwood: LOS F in am and pm peak hours
- New Design/Crestwood: LOS F in pm peak hour
- New Design/Corporate: LOS F in pm peak hour
- MD 351/Corporate: LOS F in am and pm peak hours

In accordance with the developer option outlined in Sections 1-20-11 and 1-20-12 of the County Code, as a condition of the APFO approval of the Project, the Developer has opted to pay its proportionate contribution, in lieu of construction, toward the following existing escrow accounts:

1. Escrow Account No. 3247 for a signal and pedestrian phase at New Design Road and Corporate Drive - The estimated cost of the improvement is \$156,800. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 13.55%. Therefore the Developer hereby agrees to pay \$21,246 to the escrow account for this Road Improvement.
2. Escrow Account No. 3764 for a right turn lane on westbound Corporate Drive at New Design Road - The estimated cost of the improvement is \$293,682. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 36.04%. Therefore the Developer hereby agrees to pay \$105,843 to the escrow account for this Road Improvement.
3. Escrow Account No. 3306 for a southbound right turn lane on New Design Road at Crestwood Boulevard. - The estimated cost of the improvement is \$241,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 5.18%. Therefore the Developer hereby agrees to pay \$12,484 to the escrow account for this Road Improvement.

4. Escrow Account No. 3762 for a roundabout at MD 351 and Corporate Drive - The estimated cost of the improvement is \$1,242,700. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 3.81%. Therefore the Developer hereby agrees to pay \$47,347 to the escrow account for this Road Improvement.
5. Escrow Account No. 3344, 3345, 3347, 3312 and 3763 for intersection improvements at MD 351 and Crestwood Boulevard - The estimated cost of the improvement is \$732,343. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of these Road Improvements is 2.39%. Therefore the Developer hereby agrees to pay \$17,503 to the escrow account for these Road Improvements.

Finally, the Developer shall re-stripe Corporate Drive generally along its site frontage (west of Presidents Court to east of New Design Road) to provide a three lane section, in a manner specified by the County, guaranteed prior to the issuance of any building permit and completed prior to receipt of Certificate of Occupancy for the Project.

With the above approved mitigation, staff finds that all roadway inadequacies are ameliorated and the APFO is fully satisfied.

**Forest Resource – Chapter §1-21:** FRO is conditionally approved. Applicant must provide 0.80 acres of new forest credits OR 1.60 acres of existing forest credits prior to applying for grading or building permits, whichever comes first.

**Historic Preservation – Chapter §1-23:** There are no Historic Resources located on this site.

#### Summary of Agency Comments

<b>Other Agency or Ordinance Requirements</b>	<b>Comment</b>
<b>Development Review Engineering (DRE):</b>	Conditional Approval: Minor changes that will take place at IP Stage.
<b>Development Review Planning:</b>	Address agency comments as the plan proceeds through completion.
<b>State Highway Administration (SHA):</b>	N/A
<b>Div. of Utilities and Solid Waste Mngt. (DUSWM):</b>	Approved
<b>Health Dept.</b>	Approved
<b>Office of Life Safety</b>	Conditional Approval
<b>DPDR Traffic Engineering</b>	Conditional Approval
<b>Historic Preservation</b>	N/A

## **RECOMMENDATION**

Staff has no objection to conditional approval of the Site Plan and APFO. If the Planning Commission conditionally approves the site plan, the site plan and APFO approvals are valid for a period of three (3) years from the date of Planning Commission approval.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through completion.
2. The proposed uses comply with applicable supplementary Industrial district regulations as well as the Industrial District Performance Standards provided in § 1-19-7.600 and § 1-19-7.610, respectively.
3. Approval of parking modifications in accordance with Sections 1-19-6.200.A.1 in order to construct 6 additional parking spaces over the required number of 309.
4. Approval of a lighting modification in accordance with Section 1-19-6.500.G to permit the continued use of lighting that exceeds 18' in height. As well as a modification to permit lighting levels to exceed 0.5 foot candles at the eastern common property line with the adjacent office use on Lot 23 and at the common entrance for both Lots 23 and 25 to Corporate Drive.

## **PLANNING COMMISSION ACTION**

### **MOTION TO APPROVE AS MODIFIED**

I move that the Planning Commission **APPROVE** Site Plan SP 86-17 **with conditions** as listed in the staff report **including APFO approval** for the proposed Westview Overlook Lot 25B, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.







**COMMUNITY DEVELOPMENT DIVISION**  
**FREDERICK COUNTY, MARYLAND**  
*Department of Planning and Development Review*

30 North Market Street • Frederick, Maryland 21701

[www.frederickcountymd.gov](http://www.frederickcountymd.gov)

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PERMITS AND  
INSPECTIONS**

Gary W. Hessong  
*Department Director*



**ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING**

***Westview Overlook - Lot 25B***

*Site Plan # SP86017 (AP #12815)*

**In General:** The following Letter of Understanding ("Letter") between the Frederick County Planning Commission ("Commission") and Corporate Center, LLC ("Developer"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the approved site plan for general office uses in two multilevel buildings (the "Project"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("APFO").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 5.14 +/- acre parcel of land which is zoned Office/Research/Industrial (ORI), and located on the north side of Corporate Drive, just east of New Design Road. This APFO approval will be effective for development of 2 multilevel office buildings, which is shown on the site plan and submitted to the Commission for approval on January 9, 2013.

**Schools:** Schools are not impacted because the development of the property is a non-residential use.

**Water and Sewer Improvements:**

The Property has a water and sewer classification of W-1 (Dev), S-1 (Dev). While the public sewer and water facilities are currently adequate to serve the Project, the Applicant acknowledges that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded and building permits will be issued. Plat recordation and building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.



**Road Improvements:** In accordance with the October 9, 2012 traffic impact analysis, revised December 4, 2012 by The Traffic Group, the total uses on the site are capped at a total amount of 160 A.M. and 171 P.M. weekday peak hour vehicle trips.

In accordance with the developer option outlined in Sections 1-20-11 and 1-20-12 of the County Code, as a condition of the APFO approval of the Project, the Developer has opted to pay its proportionate contribution, in lieu of construction, toward the following existing escrow accounts:

1. Escrow Account No. 3247 for a signal and ped phase at New Design Road and Corporate Drive - The estimated cost of the improvement is \$156,800. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 13.55%. Therefore the Developer hereby agrees to pay \$21,246 to the escrow account for this Road Improvement.
2. Escrow Account No. 3764 for a right turn lane on westbound Corporate Drive at New Design Road - The estimated cost of the improvement is \$293,682. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 36.04%. Therefore the Developer hereby agrees to pay \$105,843 to the escrow account for this Road Improvement.
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5. Escrow Account No. 3344, 3345, 3347, 3312 and 3763 for intersection improvements at MD 351 and Crestwood Boulevard - The estimated cost of the improvement is \$732,343. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of these Road Improvements is 2.39%. Therefore the Developer hereby agrees to pay \$17,503 to the escrow account for these Road Improvements.

A total of \$204,423 for the escrow payments described above must be paid to the County by the Developer, its successors or assigns, prior to the issuance of any building permit for the Project. Should this payment not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

Finally, the Developer shall re-stripe Corporate Drive generally along its site frontage (west of Presidents Court to east of New Design Road) to provide a three lane section, in a manner specified by the County, guaranteed prior to the issuance of any building permit and completed prior to receipt of Certificate of Occupancy for the Project.



**Period of Validity:** The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on January 9, 2016.

**Disclaimer:** This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

**CORPORATE CENTER, LLC/BOCC:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

**FREDERICK COUNTY PLANNING COMMISSION:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Dwayne E. Robbins, Chair or William G. Hall, Secretary

**ATTEST:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Gary Hessong, Director, Division of Permits &  
Inspections

Planner's Initials / Date \_\_\_\_\_  
County Attorney's Office Initials / Date \_\_\_\_\_  
(Approved as to legal form)



**Harris, Smariga & Associates, Inc.**

Planners/Engineers/Surveyors  
125 S. Carroll Street, Suite 100/Frederick, MD 21701  
301-662-4488/FAX 301-662-4906

December 14, 2012

Mr. Tolson DeSa  
Frederick County DPDR  
30 N. Market Street  
Frederick, MD 21701

Re: Westview Overlook A/P # 12814  
Parking Space Justification Letter  
Westview Lot 25B

Dear Tolson:

The site plan for the proposed Westview Overlook at 5240 and 5260 Corporate Drive, Frederick, MD 21703 is currently under county review. This justification letter is being provided for the requested number of parking spaces to exceed the maximum allowed by the parking calculations.

Per section 1-19-6.220(A) of the Zoning Ordinance, a requirement of one parking space per 200sf medical office and 300sf general office floor area is necessary for this type of use. As shown on the Site Plan the proposed Westview Overlook will require 309 parking spaces consisting of 154 spaces in Phase one and 155 spaces in Phase 2.

A total of 315 parking spaces are proposed on the site plan consisting of 217 spaces provided in Phase 1 and 98 spaces in Phase 2. Approval of 6 extra parking spaces over the 309 required is requested for this Site Plan application. It should be noted that there is currently approximately 308 spaces located in the existing parking lot that is on the site. 91 of these existing parking spaces will be removed with the construction of Phase 1. Only a portion of this existing parking lot was built years ago for the adjacent former Standard Federal office building and upon full build out was to contain 484 spaces.

Industry standard for general office use is typically parked at rate of 4 spaces per 1,000sf. Ideally under this standard the site would have 329 parking spaces. In addition to general office uses approximately 25% of the buildings are intended for medical offices. Medical offices experience a higher turnover and wait times which result in a higher parking requirement. The additional parking spaces provide some flexibility for parking space options to prevent backups and delays and although does not reach the industry standard does get the site closer.

For these reasons, we request approval of the 6 additional spaces in excess of the requirement. Thank you for your consideration.

Sincerely,

Samuel Francis Zeller  
Project Manager

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**Harris, Smariga & Associates, Inc.**

Planners/Engineers/Surveyors  
125 S. Carroll Street, Suite 100/Frederick, MD 21701  
301-662-4488/FAX 301-662-4906

December 14, 2012

Mr. Tolson DeSa  
Frederick County DPDR  
30 N. Market Street  
Frederick, MD 21701

Re: Westview Overlook A/P # 12814  
Lighting Height Justification Letter  
Westview Lot 25B

Dear Tolson:

The site plan for the proposed Westview Overlook at 5240 and 5260 Corporate Drive, Frederick, MD 21703 is currently under county review. This justification letter is being provided for a requested lighting height modification to permit the continued use of lighting that exceeds the 18' height. A modification is also requested for lighting levels to continue to exceed 0.5 foot candles at the eastern common property line with the adjacent office use on lot 23 and at the new common entrance for both lots to Corporate Drive.

Per section 1-19-6.5(B)(2) and 1-19-6.5(D) of the Zoning Ordinance, pole and building mounted lighting shall not exceed a maximum height of 18' for commercial uses and 0.5 foot candles as measured from the property line. Section 1-19-6.5(G) allows the Planning Commission to modify the lighting standards based on characteristics of the proposed use, photometric studies, nationally recognized standards, or other documentation. Presently the site is occupied by an existing asphalt parking lot with approximately 308 parking spaces and existing light poles of approximately 30' in height. This parking lot was built years ago for the adjacent former Standard Federal office building. Surrounding lighting heights vary but most are approximately 30'. It is our intention to retain the existing lights and match this 30' height with 8 new lights. Of the 10 existing lights on lot 25B it is anticipated that 5 will be retained as is, and 5 relocated to accommodate the new Design.

In addition, on the eastern common property line where the existing parking straddles the lot line existing lighting levels are at or above the 0.5 foot candle level. The bulk of this light originates from existing light fixtures on the adjacent lot 23. This is the only area of lighting levels in excess of the requirement and it is the result of existing light fixtures and the configuration of the original parking field. Along the other property lines and the right of way of Corporate Drive, light trespass is minimal and within code requirements as shown on the site plans.

For these reasons, we request approval of taller pole lights and higher lighting levels as outlined in this letter. Thank you for your consideration.

Sincerely,

Samuel Francis Zeller  
Project Manager

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